

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

ADOPTED REGULATION TEXT REVISED

TITLE 13, CALIFORNIA CODE OF REGULATIONS

DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS, SECTION 1200 AND 1201 AND ARTICLE 3, GENERAL DRIVING REQUIREMENTS, SECTION 1217, AND ARTICLE 4, ADDITIONAL REQUIREMENTS FOR SCHOOL BUS, SPAB, AND YOUTH BUS DRIVERS, SECTION 1221, 1222, AND ARTICLE 6, CARRIER REQUIREMENTS, SECTION 1232, AND ADDS NEW SECTION 1231.2 PAB VEHICLE INSPECTION

MOTOR CARRIER SAFETY

PUPIL ACTIVITY BUSES

(CHP-R-09-01)

(OAL FILE No. 2011-0105-01S)

Existing text:Times New Roman 12 point font.

Additions:Times New Roman 12 point font with single underline.

Deletions:~~Times New Roman 12 point font with strikethrough.~~

Modified Additions:Times New Roman 12 point font with double underline.

Modified Deletions:~~Times New Roman 12 point font with double strikethrough.~~

Second Modified Additions:Times New Roman 12 point font with double underline.

Second Modified Deletions:~~Times New Roman 12 point font with double strikethrough.~~

Title 13, California Code of Regulations

Division 2. Department of California Highway Patrol

Chapter 6.5, Motor Carrier Safety

Article 1. Definitions and General Provisions

Sections 1200 and 1201 are amended to read:

§1200. Scope.

(a) Applicability. Unless otherwise indicated within a specific section, the provisions of this chapter shall apply to vehicles listed in Vehicle Code Sections 545(k), 34500 and 34500.1 and their operation.

(b) Limited Application.

(1) Two-axle motor trucks with a gross vehicle weight rating of 26,000 pounds or less transporting hazardous materials in quantities for which placards are required pursuant to Vehicle Code Section 27903 shall be subject to the following Sections of this chapter: 1212, 1212.5, 1213, 1213.1, 1214, 1215, 1229, 1230, 1232, 1234, and 1256.

(2) Two-axle motor trucks with a gross vehicle weight rating of 26,000 pounds or less transporting hazardous materials in quantities for which placards are not required shall be subject to the following Sections of this chapter: 1212, 1212.5, 1214, 1215 (except 1215(b)), 1229, 1230, and 1232. Two-axle motortrucks transporting hazardous materials for which a license is required by Vehicle Code Section 32000.5 shall also be subject to Section 1256.

(3) Section 1213.1 Subsections (c) through (f), shall apply to drivers of commercial motor vehicles as defined in Vehicle Code Section 15210.

(4) Two-axle motor trucks described in subdivision (j) of Vehicle Code Section 34500 shall be subject only to Sections 1212, 1212.5 and 1213 of this chapter.

(5) Persons operating vehicles which cause those persons to be subject to the Motor Carriers of Property Act as described in Division 14.85 of the Vehicle Code, but which vehicles are not included in Vehicle Code Section 34500, unless otherwise specified, shall be subject to Article 6.5 of this chapter.

(c) Exceptions.

This chapter shall not apply to vehicles used primarily off the highway and not required to be registered pursuant to Vehicle Code Section 4000(a).

NOTE: Authority cited: Sections 31401, 34501, 34501.2, 34501.5, 34508 and 34513, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 31401, 34500, 34500.1, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

§1201. Definitions.

The following terms are defined for purposes of this chapter:

(a) Adverse driving conditions. Snow, sleet, fog, other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the person dispatching the run at the time it was begun.

(b) Bus. Every motor vehicle defined in Vehicle Code Sections 233, and 545(k), and every school bus, school pupil activity bus, youth bus, and farm labor bus. Bus “type” is determined as follows:

(1) Type 1. Designed for carrying more than 16 passengers and the driver.

(2) Type 2. Designed for carrying not more than 16 passengers and the driver; or manufactured on or after April 1, 1977, having a manufacturer's gross vehicle weight rating of 10,000 lb or less, and designed for carrying not more than 20 passengers and the driver.

(c) Chassis. Motor vehicle chassis as defined in Society of Automotive Engineers (SAE) Standard J687c, June 1972.

~~(e)~~(d) Co-driver. A driver teamed with another driver for the purpose of alternating driving duties during a trip. While one drives, the other ordinarily rests in a sleeper berth. Both driver and co-driver maintain separate driver's records of duty status pursuant to Section 1213 of this title.

~~(d)~~(e) Commercial Motor Vehicle. Any vehicle or combination of vehicles as defined in Vehicle Code Section 15210(b)(1).

~~(e)~~(f) Commissioner. Commissioner of the Department of the California Highway Patrol.

~~(f)~~(g) Department. Department of the California Highway Patrol.

~~(g)~~(h) Drive or Operate. These terms include all time spent at the driving controls of a motor vehicle in operation.

~~(h)~~(i) Driver. Any person, including the owner-driver, who drives any motor vehicle subject to this chapter, and any person, whether driving for compensation or not, who is under the direct control of and drives for a motor carrier.

~~(i)~~(j) Driver-salesperson. Any employee who is employed solely as such by a private carrier of property by motor vehicle, who is engaged both in selling goods, services, or the use of goods, and in delivering by commercial motor vehicle the goods sold or provided or upon which the services are performed, who does so entirely within a radius of 100 miles of the point at which the driver reports for duty, who devotes not more than 50 percent of his/her hours on duty to driving time. The term “selling goods” for purposes of this section shall include in all cases solicitation or obtaining of reorders or new accounts, and may also include other selling or

merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

~~(j)~~(k) Driving Time. Means all time spent at the driving controls of a commercial motor vehicle in operation.

~~(h)~~(l) Eight Consecutive Days. The period of 8 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

~~(h)~~(m) FMVSS. Federal Motor Vehicle Safety Standard(s) in effect at the time the vehicle or component is manufactured.

~~(m)~~(n) GPPV--General Public Paratransit Vehicle. Any motor vehicle specified in Vehicle Code Section 336.

~~(n)~~(o) Interstate Driver. Interstate driver means the driver of a vehicle engaged in interstate commerce as defined in 49 CFR, Section 390.5, as those regulations now exist or are hereafter amended.

~~(o)~~(p) Intrastate Driver. Intrastate driver means a driver engaged in trade, traffic, or transportation not described in the term “interstate driver.”

~~(p)~~(q) Manufacturer of the Chassis. The original manufacturer of the chassis or the manufacturer of any integral type of school bus.

~~(q)~~(r) Motor Carrier or Carrier. The registered owner, lessee, licensee, school district superintendent, or bailee of any vehicle who operates or directs the operations of any such vehicle on either a for-hire or not-for-hire basis. The terms “motor carrier” and “carrier” may be used interchangeably in this chapter.

~~(r)~~(s) Multiple Stops. All stops made in any one village, town, or city may be computed as one.

~~(s)~~(t) On-duty Time. All time from the time a driver begins to work, or is required to be in readiness to work, until the time the driver is relieved from work and all responsibility for performing work. On-duty time shall include:

(1) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

(2) All time inspecting, servicing, or conditioning any vehicle;

(3) All “driving time” as defined in this section;

(4) All time, other than driving time, in or upon any motor vehicle, except time spent resting in a sleeper berth as defined by the term “sleeper berth” in this section;

(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(6) All time spent complying with driver requirements relating to accidents;

(7) All time repairing, obtaining assistance, or remaining in attendance in or about a disabled vehicle;

(8) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post accident, or follow-up testing required by 49 CFR Part 382, when directed by a motor carrier;

(9) Performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier; and

(10) Performing any compensated work for any nonmotor carrier entity.

(u) PAB - Pupil Activity Bus. For the purpose of this Chapter, any motor vehicle specified in Vehicle Code Section 545(k).

~~(+)~~(v) Pupil Transportation. The transportation of any pupil enrolled in a public or private school at or below the twelfth-grade level to or from school in a school bus, to or from a school activity in a school bus, PAB, or SPAB, from a school to a nonschool-related activity within 25 miles of the school in a youth bus, or the transportation of any student enrolled in a community college to or from the community college or a college activity, in a vehicle designated as a school bus by resolution of the governing board pursuant to Vehicle Code Section 545(g), and certified by the department.

~~(+)~~(w) SPAB - School Pupil Activity Bus. Any motor vehicle specified in Vehicle Code Section 546.

~~(+)~~(x) School District Superintendent. This term or a similar phrase includes county superintendent of schools and the equivalent official of a private or public school that does not have a school district superintendent.

~~(w)~~(y) Seven Consecutive Days. The period of 7 consecutive days beginning on any day at the time designated by the motor carrier for a 24-hour period.

~~(x)~~(z) Sleeper Berth. A berth conforming to the requirements of Section 1265.

~~(y)~~(aa) Supporting Documents. Supporting documents are the records of a motor carrier which are maintained in the ordinary course of business which may be used to verify the information recorded on drivers' records of duty status. Examples are: bills of lading, carrier pros, freight bills, dispatch records, driver call-in records, gate record receipts, weight/scale tickets, fuel receipts, fuel billing statements, toll receipts, international registration plan receipts, international fuel tax agreement receipts, trip permits, port of entry receipts, cash advance receipts, delivery receipts, lumper receipts, interchange and inspection reports, lessor settlement sheets, over/short and damage reports, agricultural inspection reports, Commercial Vehicle Safety Alliance reports, accident reports, telephone billing statements, credit card receipts, driver fax reports, on-board computer reports, border crossing reports, custom declarations, traffic citations, overweight/oversize reports and citations, and/or other documents directly related to the motor carrier's operation, which are retained by the motor carrier in connection with the operation of its transportation business. Supporting documents may include other documents which the motor carrier maintains and which can be used to verify information on drivers' records of duty status.

~~(z)~~(bb) Trailer-bus. A trailer or semi-trailer designed or used for the transportation of more than 10 persons.

~~(aa)~~(cc) Truck. All motortrucks and truck tractors specified in Vehicle Code Section 34500.

~~(bb)~~(dd) Twenty-four Hour Period. Any 24-consecutive-hour period beginning at the time designated by the motor carrier for the terminal from which the driver is normally dispatched.

~~(cc)~~(ee) Wheelchair. A specially constructed device on wheels used exclusively to transport a physically handicapped person except infant seat devices, strollers, and gurneys.

~~(dd)~~(ff) Wheelchair School Bus. Any school bus that has been designed or modified in accordance with Section 1293 of this title to transport pupils confined to wheelchairs.

~~(ee)~~(gg) Work Period. The duration between the time a driver first reports for duty and the time a driver is completely relieved of all duties and is permitted to go off duty for eight

consecutive hours for bus drivers or ten consecutive hours for truck drivers. The terms "work period" and "tour of duty" have the same meaning.

NOTE: Authority cited: Sections 31401, 34501, 34501.5 and 34508, 34508, and 34520 Vehicle Code; and Section 39831, Education Code. Reference: Sections 336, 545, 546, 31401, 34501, 34501.2, 34501.5 and 34508, 34508, and 34520 Vehicle Code; and Section 39831, Education Code.

**ARTICLE 3. GENERAL DRIVING REQUIREMENTS,
SECTIONS 1217 IS AMENDED TO READ:**

§1217. Transportation of Passengers.

No driver shall drive a vehicle transporting passengers in violation of the following provisions:

(a) Seating Capacity. Except as provided in subsection (e), the number of passengers (excluding infants in arms) shall not exceed the number of safe and adequate seating spaces, or for school buses, school pupil activity buses, youth buses, and farm labor vehicles, the number of passengers specified by the seating capacity rating set forth in the departmental Vehicle Inspection Approval Certificate.

(b) Weight. No more passengers shall be transported than the number whose weight, in addition to the weight of any property transported, can be carried without exceeding the manufacturer's maximum gross vehicle weight rating or the combined maximum rating of the tires supporting each axle.

(c) Step Wells. Passengers shall not be permitted in the front step well of any bus while the vehicle is in motion.

(d) Seat Beside Driver. No more than two pupils shall be allowed to occupy the seating space beside the driver of a Type 2 school bus.

(e) Standing Passengers. A vehicle shall not be put in motion until all passengers are seated, and all passengers must remain seated while the vehicle is in motion. Standing passengers are permitted only on a bus (except a school bus, SPAB, or youth bus) operated in regularly scheduled passenger stage service or urban and suburban service by a common carrier or publicly-owned transit system, and equipped with grab handles or other means of support for standing passengers, and constructed so that standing room in the aisle is at least 74 in. high.

(f) Open Doors. While passengers are aboard, a vehicle shall not be put in motion until the doors are closed. The doors shall not be opened until the vehicle is stopped. The doors of a school bus shall be closed while the bus is in motion, whether or not there are passengers in the school bus.

(g) Emergency Exits. While a passenger is aboard, no bus shall be put in motion with any emergency exit locked or otherwise secured against being opened from the inside. While a passenger is aboard, no bus, equipped with emergency exits that are designed to be opened from the outside, shall be put in motion with such emergency exits locked or otherwise secured against being opened from either the outside or the inside. This paragraph shall not apply to buses operated by or under contract to law enforcement agencies while transporting persons in police custody.

(h) Interior Lighting. During darkness, the driver shall ensure that the interior lighting is sufficient for passengers to enter and exit safely and whenever otherwise deemed necessary.

(i) Ejection of Pupils. The driver of a school bus, youth bus, ~~PAB~~, or SPAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent or school.

(j) Ejection of Pupils. The driver of a PAB shall not eject any school pupil unless the pupil is given into the custody of a parent or any person designated by the parent.

~~(j)~~(k) Exemptions. The provisions of subsections (c) and (e) shall not apply to persons testing or training a driver, maintenance personnel, a sales or manufacturers' representative, or an adult acting upon a request by a school bus or SPAB driver to supervise or assist a pupil.

Note: Authority and reference cited: Sections 545, 31401, 34501, 34501.5 and 34508, Vehicle Code; and Section 38047, Education Code.

**ARTICLE 4. ADDITIONAL REQUIREMENTS FOR SCHOOL BUS, SPAB, PAB, AND YOUTH BUS
DRIVERS,
SECTIONS 1221 AND 1222 ARE AMENDED TO READ:**

§1221. Alcoholic Beverages.

Alcoholic beverages shall not be transported in a school bus, PAB, SPAB, or youth bus at any time.

Note: Authority cited: Sections 34501, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.
Reference: Sections 545, 546, 34501, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

§1222. Smoking.

When a pupil is aboard, smoking is prohibited in a school bus, PAB, or SPAB.

ARTICLE 6. CARRIER REQUIREMENTS, SECTION 1231.2 IS ADDED, AND 1232 IS AMENDED TO READ:

§1231.2 PAB Vehicle Inspection.

(a) Vehicle Inspection. Each PAB vehicle shall be inspected every 13 months, by an authorized employee of the Department, as specified in Vehicle Code Section 12517.45.

(b) Retention of Vehicle Inspection Report. The vehicle inspection report, issued by the Department, shall be placed in the vehicle in an easy-to-reach location and be presented, upon request, to any person using the services of the motor carrier or any authorized representative of the department.

(c) PAB Inspection. The fee for inspection of a PAB is ~~ninety~~ seventy-five dollars (\$~~90~~75). Application for inspection of PABs shall be made to the department on a Youth Bus, Pupil Activity Bus or General Public Paratransit Vehicle (GPPV) Inspection Application, CHP 294D, January 2010 edition, incorporated herein by reference, and shall be accompanied by the prescribed fees. A separate application shall be made for each inspection address.

Note: Authority cited: Sections 12517.45, 34501, and 34508, Vehicle Code. Reference: Sections 545, 12517.45, 34501, 34501.5, 34501.8, and 34508, Vehicle Code.

§1232. Vehicle Inspection and Maintenance.

The following provisions apply to the inspection and maintenance of vehicles subject to this chapter.

(a) Preventive Maintenance. Motor carriers shall ensure that all vehicles subject to their control, and all required accessories on the vehicles, are regularly and systematically inspected, maintained, and lubricated to ensure they are in safe and proper operating condition. The carriers shall have a means of indicating the types of inspection, maintenance, and lubrication operations to be performed on each vehicle and the date or mileage when these operations are due. The

inspection required by this subsection is more in depth than the daily inspection performed by the driver. Motor carriers shall ensure compliance with this subsection when a vehicle is assigned away from the carrier's regular maintenance facility for periods exceeding normal inspection, maintenance, and lubrication intervals.

(b) Periodic Preventive Maintenance Inspection. School bus, SPAB, PAB, and GPPV carriers shall ensure every bus is inspected every 3,000 miles or 45 calendar days, whichever occurs first; or more often if necessary to ensure safe operation. Buses out of service exceeding 45 calendar days need not be inspected at 45-day intervals, provided they are inspected prior to being placed back into service.

This periodic inspection shall as a minimum cover:

- (1) Brake adjustment
- (2) Brake system leaks
- (3) Two-way check valve in dual air systems, alternately draining and recharging primary and secondary air reservoirs
- (4) All tank mounting brackets
- (5) All belts and hoses for wear
- (6) Tires and wheels
- (7) Steering and suspension
- (c) Oil or Grease Accumulations. Excessive amounts of grease or oil on the vehicle shall be removed and their cause corrected.

(d) Cleanliness of Buses. Every bus shall be kept clean and free of litter.

(e) Inspector Qualifications. Motor carriers shall ensure that individuals performing inspections, maintenance, repairs or service to the brakes or brake systems of vehicles subject to this chapter are qualified in accordance with 49 CFR 396.25 (published October 1, 1997).

Note: Authority cited: Sections 2807.2, 31401, 34501 and 34501.5, Vehicle Code. Reference: Sections 545, 2807.2, 31401, 34501 and 34501.5, Vehicle Code.